



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/525,111	First Named Inventor: Thomas G. C. Bird
371 Filing Date: 02/18/2005	Attorney Docket No.: 100812-1P US
Examiner: Stockton, Laura Lynne	Group Art Unit : 1626
Customer No.: 44992	Confirmation No.: 5660
Title: Pyrazole Derivatives As GNRH Inhibitors	

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER  
35 U.S.C. § 154(b)(3)(B)(ii) & 37 C.F.R. § 1.705 (b)**

Sir:

Applicants hereby request that the Patent Term Adjustment (PTA) for the above identified application be reconsidered. Applicants believe that the PTA of 57 days for the above application is incorrect and that the PTA to which Applicants are entitled is 75 days. This request is being submitted simultaneously with the payment of the issue fee and is therefore proper.

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Request Dated

10/525,111  
05/11/2007

### REVIEW OF PATENT TERM ADJUSTMENT CALCULATIONS

A review of the Patent Term Adjustment History in the PAIR system shows that the United States Patent and Trademark Office (PTO) calculated the PTA as follows:

- 1) The PTO mailed a delayed first action on August 21, 2006, thereby according a PTO Delay of 125 days. Applicants do not dispute this calculation.
- 2) Applicants submitted a response to the above-referenced action which was received by the PTO on November 16, 2006, however this was found non-responsive. Applicants were notified of the non-responsive amendment on December 7, 2006. Applicants filed a subsequent, properly responsive amendment on January 5, 2007, thereby according an Applicant Delay of 50 days. Applicants do not dispute this calculation.
- 3) Applicants filed a further response on January 23, 2007, thereby according a further Applicant Delay in PAIR of 18 days. Applicants **dispute** this calculation. Under 37 C.F.R. § 1.704 (c) (8) the submission of a supplemental response does not constitute a failure of Applicants to engage in reasonable efforts if "expressly requested by the examiner". In the present instance the submission of this response was a direct result of a telephone request from the Examiner. The Examiner telephoned the undersigned on January 23, 2007 and asked for a submission of a paper wherein 4 sections of the previously filed "Amendments to the Specification" section were expanded. This was stated on page 1 of Applicants letter dated January 23, 2007. On page 8 of the same letter Applicants again stated that the filing of this paper was at the request of the Examiner. Applicants therefore believe that the reduction of PTA for the filing of this paper should have been 0 days.
- 4) The PTO calculates a total PTO Delay of 125 days and a total Applicant Delay of 68 days, for a total PTA of 57 days. Applicants respectfully submit that the PTO's calculation of Applicant Delay contains an error and that the correct total Applicant Delay is 50 days, thus yielding a total PTA of 75 days.

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### **CONCLUSION**

In consideration of the events described above, Applicants believe the PTA calculation of 57 days is incorrect. Applicants respectfully request reconsideration of the patent term adjustment in the following manner:

- 1) Total PTO Delay should be calculated as 125 days; and
- 2) Total Applicant Delay should be calculated as 50 days.

Applicants respectfully request a decrease in Applicant Delay from 68 days to 50 days, and an increase in the Total PTA from 57 to 75 days.

The above-identified application is not subject to a terminal disclaimer.

The Commissioner is hereby authorized to charge the \$200 fee required under 37 CFR § 1.18(e) and any deficiency in the fees or credit any overpayment to deposit account No. 50-3231, referencing Attorney Docket No. 100812-1P US.

Respectfully submitted,  
/Lucy Padget/

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